



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,646	12/06/1999	David Carroll Challenger	RP9-98-055	4026

45503 7590 04/29/2005

DILLON & YUDELL LLP  
8911 N. CAPITAL OF TEXAS HWY.,  
SUITE 2110  
AUSTIN, TX 78759

EXAMINER

KIM, JUNG W

ART UNIT PAPER NUMBER

2132

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/454,646

Applicant(s)

CHALLENGER ET AL.

Examiner

Jung W. Kim

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-10 have been examined.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Response to Arguments***

3. Applicant's arguments filed March 14, 2005 have been fully considered but they are not persuasive.
4. On pg. 3, 2<sup>nd</sup> full paragraph, applicant argues:  
*Applicant respectfully urges the Examiner to consider that nothing within the suggestion that a user only be permitted to access a computer during certain days and/or times of day would lead one having ordinary skills in the art to a system in which the user may access the system at anytime of the day or on each day but which varies the number of unsuccessful power-on password attempts in the manner set forth within the claims of the present application. A noted benefit of such a system is the fact that users are permitted to access the computer at anytime of the day or night and upon any day; however, those periods during which security breaches are more likely are given the additional protection of varying the number of unsuccessful power-on password attempts which are permitted during those periods.*
5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., user having access to the system at anytime of the day or on each day but which

Art Unit: 2132

varies the number of unsuccessful power-on password attempts--implied in applicant's argument is that the number of *allowable* power-on password attempts is always at least one) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hence, contrary to applicant's allegations, the claimed invention is covered by the prior art of record. The instant claim 1 recites the following: "allowing or denying use of the personal computer to the user based on the security profile", "said variable security profile specifying: a variable number of unsuccessful power-on password attempts permitted based upon at least one other factor chosen from time of day and day of week; and a security level of authorization of the user" (claim 1). As outlined in the Office action dated December 13, 2005, Golding teaches a power-on password (col. 2:18-65), and the feature of a variable number of unsuccessful password attempts permitted based upon at least one other factor chosen from time of day and day of week is clearly taught by Frisch, pg. 224-225, bullet 'Limiting user access to certain days and/or times of day': during certain restricted times for a specific user, the number of unsuccessful power-on password attempts permitted is zero, since the user is not allowed access; during non-restricted times, the number of unsuccessful power-on password attempts permitted by the user is zero or more, depending on the value specified by the C2 security-style password restrictions. Frisch, pgs. 160-161, especially Table 5-2, "u\_maxtries".

***Claim Rejections - 35 USC § 103***

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. U.S. Patent No. 5,265,163 (hereinafter Golding) in view of Frisch Essential System Administration 2<sup>nd</sup> Edition (hereinafter Frisch).

7. As per claim 1, Golding teaches a computer system having a power-on password stored in non-volatile memory wherein entry of a power-on password enables entry to the computer system. See Golding, col. 2, lines 18-65. Golding does not teach a variable security profile wherein the variable security profile is automatically generated when the system is turned on, the variable security profile specifying: a variable number of unsuccessful power-on password attempts permitted based upon at least one other factor chosen from time of day and day of week; and a security level of authorization of the user; and allowing or denying use of the personal computer to the user based on the security profile. Frisch teaches a variable security profile specifying a variable number of unsuccessful password attempts permitted based upon a security level of authorization of the user; and allowing or denying use of the personal computer to the user based on the security profile. See Frisch, pages 160-163, 'C2 security-style password restrictions', especially page 160, 2<sup>nd</sup> full paragraph and page 161, Table 5-2, 'u\_maxtries'. It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the variable security profile as taught by Frisch with the

Art Unit: 2132

power-on password check disclosed by Golding to enable a higher level of security as required by establishments using the system. See Frisch, page 160, 1<sup>st</sup> full paragraph.

8. Further, Frisch does not expressly disclose the variable security profile is generated automatically when the system is turned on. However, Frisch teaches automatically running files under the /tcb directory (the security-related directory which holds the protected password database disclosed by Frisch in page 160) and preparing the system automatically when the system is turned on with available security measures. See Frisch, page 111, Figure 4-1 and page 101, 'Security-related activities'. It would be obvious to one of ordinary skill in the art at the time the invention was made to generate the variable security profile when the system is turned on. Motivation to combine ensures security features of a system are active during the entire course of operation of the computer system. Ibid.

9. Finally, Frisch does not expressly disclose the variable number of unsuccessful power-on password attempts permitted to be based also upon at least one other factor chosen from the time of day and day of week in the aforementioned sections. Frisch teaches, in a different section, restricting login access based on the time of day of the login request. See Frisch, page 224-225, 'Limiting user access to certain days and/or times of day'. It would be obvious to one of ordinary skill in the art at the time the invention was made for the number of unsuccessful power-on password attempts permitted to be based also upon at least one other factor chosen from time of day and day of week to prevent access to only those times when the user is scheduled to login,

which ensures a more secure login system as known to one of ordinary skill in the art and as taught by Frisch. Ibid. The aforementioned cover the limitations of claim 1.

10. As per claim 2, Golding covers a system as outlined above in the claim 1 rejection under 35 U.S.C. 103(a). In addition, Frisch discloses including a log of the access attempts for the personal computer and the results of each attempt. See Frisch, pages 262-263, 'Monitoring unsuccessful login attempts'. The aforementioned cover the limitations of claim 2.

11. As per claim 3, Golding covers a system as outlined above in the claim 2 rejection under 35 U.S.C. 103(a). In addition, Frisch discloses only the superuser (root) is able to update the /etc/password and /etc/shadow files, which work in concert with the protected password database. See Frisch, page 144, second paragraph; pages 153-154, 'Shadow password files'; page 154-155, 'password file permission'. It follows that only the root (a system administrator) is able to update the protected password database to a less secure state. Motivation to update the variable security profile to a less secure state only by the system owner ensures only the requisite authority is able to change the state of the system to a less secure state as taught by Frisch. Ibid. The aforementioned cover the limitations of claim 3.

12. As per claim 4, Golding covers a system as outlined above in the claim 3 rejection under 35 U.S.C. 103(a). Golding does not disclose enabling a normal user to

Art Unit: 2132

alter the variable security profile to a more secure state. Frisch discloses additional security profiles to establish a level of security in the personal computer, which include establishing and updating permissions on files owned by a user, wherein a user is capable of changing the access level of their own files. See Frisch, pages 234-238, 'AIX access control lists' and pages 25-32, 'File Ownership' and 'File Protection'. It would be obvious to one of ordinary skill in the art at the time the invention was made for a normal user to alter the variable security profile to a more secure state. Motivation to combine enables normal owners of files to increase restrictions on personal data as taught by Frisch. Ibid. The aforementioned cover the limitations of claim 4.

13. As per claims 5 and 6, Golding covers a system as outlined above in the claim 4 rejection above under 35 U.S.C. 103(a). Although Golding does not teach using binary indicators to set the secure state level, binary fields are the standard in the industry for storing any digital information. As argued above, normal users can change file permissions they own to more secure states and the root user can alter the state of a system to less secure states by making file and login access less restrictive. Both of these changes are reflected in memory as binary manipulations. Hence, the aforementioned cover the limitations of claims 5 and 6.

14. As per claims 7-9, Frisch covers a method of providing improved security in a personal computer having an operating system and a security profile as outlined above. Further, as mentioned above, each user can modify the access level on files they own,



wherein the root user is able to modify all files, including the protected password database, /etc/password and /etc/shadow files. Moreover, the administrator updates the variable security profile in response to a security risk. See Frisch, page 223, last paragraph. The aforementioned cover the limitations of claims 7-9.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golding in view of Frisch as applied to claims 7-9 above, and further in view of Schmidt U.S. Patent No. 5,912,621 (hereinafter Schmidt).

16. As per claim 10, Golding covers a security methodology implemented in a personal computer as defined above in the claim 7-9 rejections under 35 U.S.C. 103(a). Golding does not teach that a response by the operating system is made when the cover of the computer is removed. Schmidt teaches a computer system responsive to the removal of its physical encasing; specifically, a state reporting program is run to poll the status of an auxiliary state element, which detects when the cover is removed. A state report is further submitted to security personal for examination and further action. See Schmidt, col. 1, line 51-col. 2, line 7. It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the computer cabinet security state detection system with a computer system restricting power-on login access using the variable security profile. Motivation to combine includes addressing physical threats to prevent tampering of the physical devices of a computer and thereby enabling a more

robust computer security system. See Schmidt, col. 1, lines 1-10 and 35-50. The aforementioned cover the limitations of claim 10.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is (571) 272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim  
Examiner  
Art Unit 2132

Jk  
April 19, 2005



GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100